IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 514 OF 2006

Mr. Ramchandra Hari Bhide. ... Petitioners.

V/s.

Sou. Medha Ramchandra Bhide & Ors. ... Respondents.

Mr. S.B. Shetye and Ms. S.N. Ghotekar,for the Petitioner.

Mr. S.R. Shinde, A.P.P. for the State.

CORAM : A.S. OKA, J.
DATE : AUGUST 30, 2006.

P.C. :

1. Heard Advocate appearing for the Petitioner. The first Respondent is the wife of the Petitioner who filed an application under Section 125 of the Code of Criminal Procedure, 1973 for grant of maintenance. The learned Judicial Magistrate, First Class allowed the application by directing the Petitioner to pay monthly maintenance of Rs.1,000/- to the first Respondent. The Petitioner preferred a Revision Application before the Sessions court. In the Revision Application, the order passed by the learned Judicial Magistrate has been confirmed

2. The learned Advocate for the Petitioner submitted that even accepting the case of the first Respondent that the Petitioner was running a medical store, the income received by the Petitioner from the said business is only Rs.700/- to Rs.800/- per month considering the fact that the medical store is in a remote village in Taluka Deogad, District Sindhudurg. He submitted that it is impossible

for the Petitioner to pay monthly maintenance of Rs.1,000/-.

3. I have considered the submissions. The learned Magistrate has observed that in the cross examination the Petitioner admitted that he had obtained Diploma in Pharmacy in the year 1999. The Petitioner admitted that he had obtained loan from the Bank of Maharashtra and he had paid monthly instalments of Rs.2,000/- to the said Bank. On the basis of the admission of the Petitioner, the learned Magistrate observed that after the year 1999, the first Respondent has repayed loan amount of Rs.1,00,000/- together with interest. As the Petitioner was in position to pay monthly instalments of Rs.2,000/-, the learned Magistrate rejected the case made out by the Petitioner that his income was only Rs.700/- to 800/- per month. The learned Additional Sessions Judge has observed that there are three Hospitals near the medical store of the Petitioner. Considering all these factors, it is impossible to find fault with the direction issued to pay maintenance at the rate of Rs.1,000/- per month.

4. No case is made out for interference under Article 227 of the Constitution of India. Hence, Petition is rejected.

JUDGE